UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.106 (2000)
29 September 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the fifteenth instalment of "E3" claims taken by the Governing Council of the United Nations Compensation Commission at its 99th meeting, held on 28 September 2000 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure ("the Rules"), the report and recommendations made by the panel of Commissioners concerning the fifteenth instalment of "E3" claims, covering 16 claims, 1/

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amounts per country, based on the recommendations contained in table 5 of the report, are as follows:

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (USD)	Amount of compensation recommended (USD)
Austria	-	1	6,522,682	nil
Croatia	-	1	8,440,131	nil
Germany	1	1	112,826	27,916

1/ The text of the report appears in document S/AC.26/2000/20.

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (USD)	Amount of compensation recommended (USD)
India	-	1	25,000	nil
Italy	-	1	6,592,022	nil
Japan	2	2	211,094	17,576
Sweden	-	1	169,150	nil
United Kingdom	1	-	255,985	37,036
United States	2	1	1,594,855	14,542
Yugoslavia, Federal Republic of	1	-	3,137,264	399,904
Total	7	9	27,061,009	496,974

3. Reaffirms that when funds become available payments shall be made in accordance with decision 73 (S/AC.26/Dec.73 (1999)) and decision 100 (S/AC.26/Dec. 100 (2000)),

4. Recalls that when payments are made in accordance with decisions 73 and 100, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), the Governments shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to each respective Government.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.107 (2000)
29 September 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the eighth instalment of "E4" claims taken by the Governing Council of the United Nations Compensation Commission at its 99th meeting, held on 28 September 2000 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure ("the Rules"), the report and recommendations made by the panel of Commissioners concerning the eighth instalment of "E4" claims, covering 139 claims, 1/

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amount awarded, based on the recommendations contained in annex I of the report, is as follows:

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (USD)	Amount of compensation recommended (USD)
Kuwait	117	2	171,388,529	88,799,956

1/ The text of the report appears in document S/AC.26/2000/21.

3. Reaffirms that when funds become available payments shall be made in accordance with decision 73 (S/AC.26/Dec.73 (1999)) and decision 100 (S/AC.26/Dec.100 (2000)),

4. Recalls that when payments are made in accordance with decisions 73 and 100, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), the Government of the State of Kuwait shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Notes that no recommendations have been made at this stage for 20 claims referred to in paragraphs 20 to 22 and annex III of the report,

6. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to the Government of the State of Kuwait.

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.108 (2000)
29 September 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the tenth instalment of "E4" claims taken by the Governing Council of the United Nations Compensation Commission at its 99th meeting, held on 28 September 2000 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure ("the Rules"), the report and recommendations made by the panel of Commissioners concerning the tenth instalment of "E4" claims, covering 141 claims, 1/

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amount awarded, based on the recommendations contained in annex I of the report, is as follows:

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (US$)	Amount of compensation recommended (US$)
Kuwait	125	1	192,721,488	81,769,411

1/ The text of the report appears in document S/AC.26/2000/22.

3. Reaffirms that when funds become available payments shall be made in accordance with decision 73 (S/AC.26/Dec.73 (1999)) and decision 100 (S/AC.26/Dec.100 (2000)),

4. Recalls that when payments are made in accordance with decisions 73 and 100, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), the Government of the State of Kuwait shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Notes that no recommendations have been made at this stage for 15 claims referred to in paragraphs 19 to 21 and annex III of the report,

6. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to the Government of the State of Kuwait.

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.109 (2000)
29 September 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the correction of awards for category "A" claims pursuant to article 41 of the Provisional Rules for Claims Procedure taken by the Governing Council of the United Nations Compensation Commission at its 99th meeting, held on 28 September 2000 at Geneva

The Governing Council,

Having received, in accordance with article 41 of the Provisional Rules for Claims Procedure (S/AC.26/1992/10) ("the Rules"), a report by the Executive Secretary concerning the correction of awards for claims in category "A" 1/,

1. Decides, pursuant to article 41 of the Rules, to correct the amounts of the approved awards for Governments and international organizations. 2/ The aggregate corrected amounts per country and instalment, are as follows:

Table 1. First instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	25,040,500.00	25,036,500.00

1/ The text of the report appears in document S/AC.26/2000/23.

2/ In conformity with the provisions on confidentiality in the Rules (articles 30, paragraph 1, and 40, paragraph 5), a table containing the breakdown of the corrected amounts to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
United Kingdom	821,500.00	819,000.00

Table 2. Third instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	16,729,500.00	16,727,000.00

Table 3. Fourth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	146,290,500.00	146,280,000.00
Pakistan	22,616,000.00	22,613,500.00

Table 4. Fifth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	3,476,000.00	3,480,000.00
India	147,580,000.00	147,567,000.00
Pakistan	22,955,500.00	22,945,000.00
Sri Lanka	70,158,500.00	69,710,500.00
United Kingdom	1,311,000.00	1,308,500.00
Yugoslavia, Federal Republic of	3,794,500.00	3,786,500.00

Table 5. Sixth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	1,780,000.00	1,828,000.00
India	17,325,000.00	17,313,000.00
Kuwait	17,136,500.00	17,140,500.00

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Pakistan	46,258,000.00	46,235,500.00
Sri Lanka	36,403,000.00	35,571,000.00
Yugoslavia, Federal Republic of	876,000.00	832,000.00

2. Decides also that, based on the above corrections, the revised recommended awards by instalment are as follows:

Table 6. Revised total recommended awards for category "A" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	189,606,000.00	189,599,500.00
Second	641,244,500.00	no change
Third	531,499,000.00	531,496,500.00
Fourth	732,657,000.00	732,644,000.00
Fifth	783,131,000.00	782,653,000.00
Sixth	316,254,500.00	315,396,000.00
Special	2,554,500.00	no change

---

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38 and 67 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996) and S/AC.26/Dec.67 (1999)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57, 71, 79, 85, 95 and 99 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998), S/AC.26/Dec.71 (1999), (S/AC.26/Dec.79 (1999), (S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000) and S/AC.26/Dec.99 (2000)).

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.110 (2000)
7 December 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the sixth instalment of individual claims for damages above USD 100,000 (category "D" claims) taken by the Governing Council of the United Nations Compensation Commission at its 101st meeting, held on 7 December 2000 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure ("the Rules"), the report and recommendations made by the panel of Commissioners concerning the sixth instalment of individual claims for damages above USD 100,000 (category "D" claims), covering 172 claims, 1/

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amounts per country or international organization, based on the recommendations contained in table 2 of the report, are as follows:

1/ The text of the report appears in document S/AC.26/2000/24. In conformity with the provisions on confidentiality in the Rules (article 30, paragraph 1, and article 40, paragraph 5), information concerning the amount to be paid to each individual claimant will not be made public, but will be provided to each respective Government or international organization separately.

Country or international organization	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (USD)	Amount of compensation recommended (USD)
Australia	-	1	203,416	nil
Bahrain	2	2	1,725,535	44,330
Belgium	1	1	1,122,554	353,739
Canada	3	-	1,699,792	467,261
Cyprus	-	1	203,160	nil
France	-	2	1,293,766	nil
India	1	-	32,872	6,758
Israel	-	1	154,000	nil
Jordan	31	3	23,392,715	7,727,954
Kuwait	92	6	46,131,770	25,689,758
Netherlands	-	3	36,252,341	nil
Pakistan	2	1	696,508	141,630
Saudi Arabia	1	1	7,250,821	46,126
Sudan	1	-	17,436	11,582
Syrian Arab Republic	3	-	3,746,252	1,306,459
United Kingdom	3	1	9,021,666	1,123,221
United States	2	1	11,463,904	5,712,495
Yemen	5	-	2,210,513	703,166
UNDP Washington	1	-	313,785	202,287
Total	148	24	146,932,806	43,536,772

3. Reaffirms that when funds become available payments shall be ma in accordance with decision 100 (S/AC.26/Dec.100 (2000)),

4. Recalls that when payments are made in accordance with decision and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), the Governments and international organizations shall distribute amounts receiv to the designated claimants in respect of approved awards within six months receiving payment, and shall, not later than three months after the expirat of this time limit, provide information on such distribution,

5. Requests the Executive Secretary to provide a copy of the repor the Secretary-General, to the Government of the Republic of Iraq and to eac respective Government and international organization.

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.111 (2000)
7 December 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the seventh instalment of individual claims for damages above USD 100,000 (category "D" claims) taken by the Governing Council of the United Nations Compensation Commission at its 101st meeting, held on 7 December 2000 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure ("the Rules"), the report and recommendations made by the panel of Commissioners concerning the seventh instalment of individual claims for damages above USD 100,000 (category "D" claims), covering 602 claims, 1/

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amounts per country or international organization, based on the recommendations contained in the annex to the report, are as follows:

1/ The text of the report appears in document S/AC.26/2000/25. In conformity with the provisions on confidentiality in the Rules (article 30, paragraph 1, and article 40, paragraph 5), information concerning the amount to be paid to each individual claimant will not be made public, but will be provided to each respective Government or international organization separately.

Country or international organization	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (USD)	Amount of compensation recommended (USD)
Canada	1	-	75,950.00	36,850.00
Egypt	2	2	989,798.74	169,398.43
France	1	-	374,190.29	149,458.51
Germany	1	1	202,904.74	1,955.14
India	31	21	8,085,756.22	840,347.11
Italy	2	-	583,734.43	271,403.90
Jordan	8	2	4,885,465.81	916,449.17
Kuwait	449	42	184,246,144.63	127,725,246.22
Lebanon	1	-	168,525.95	130,940.18
Pakistan	2	-	530,847.75	74,124.45
Sudan	2	-	415,388.13	28,319.88
Sweden	1	-	558,222.08	216,425.65
Syrian Arab Republic	-	1	160,670.00	nil
United Kingdom	8	2	5,295,690.50	756,849.94
United States	5	1	958,205.84	369,240.92
UNHCR Canada	1	1	394,103.81	5.069.16
Total	515	73	207,925,598.92	131,692,078.66

3. Decides also, pursuant to article 41 of the Rules, to approve the amount of the corrected awards for four claims in part one of the second instalment, for two claims in the third instalment, and for seven claims in part one of the fourth instalment of "D" claims. The aggregate amounts of the corrected awards, based on the recommendations contained in paragraph 49 of the report are as follows:

Part one of the second instalment corrections

Country	Previous recommended award (USD)	Corrected recommended award (USD)
Italy	37,370.20	14,948.05
Jordan	1,114,643.52	1,103,866.01
Kuwait	1,697,556.67	1,726,198.07

Third instalment corrections

Country	Previous recommended award (USD)	Corrected recommended award (USD)
Kuwait	2,399,963.86	2,399,171.77

Part one of the fourth instalment corrections

Country	Previous recommended award (USD)	Corrected recommended award (USD)
Belgium	700.00	8,284.00
Canada	1,697,291.90	1,698,329.90
France	769,356.83	760,736.63
Spain	6,228.00	13,340.68
Sweden	895,837.98	855,237.64

4. Reaffirms that when funds become available payments shall be made in accordance with decision 100 (S/AC.26/Dec.100 (2000)),

5. Recalls that when payments are made in accordance with decision 100, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), the Governments and international organizations shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

6. Notes that no recommendations have been made for 14 claims referred to at paragraph 37 of the report,

7. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to each respective Government and international organization.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.112 (2000)
7 December 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the second instalment of "F2" claims taken by the Governing Council of the United Nations Compensation Commission at its 101st meeting, held on 7 December 2000 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure ("the Rules"), the report and recommendations made by the panel of Commissioners concerning the second instalment of "F2" claims, covering 24 claims, 1/

1. Approves the recommendations made by the panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amount awarded, based on the recommendations contained in paragraph 661 of the report, is as follows:

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (USD)	Amount of compensation recommended (USD)
Saudi Arabia	22	2	288,958,209	33,509,706

1/ The text of the report appears in document S/AC.26/2000/26.

3. Reaffirms that when funds become available payments shall be made in accordance with decision 100 (S/AC.26/Dec.100 (2000)),

4. Recalls that when payments are made in accordance with decision 100, and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), the Government of the Kingdom of Saudi Arabia shall distribute amounts received t the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiratio of this time limit, provide information on such distribution,

5. Notes that no recommendations have been made for the elements of the claims referred to at paragraphs 446 to 447 and 500 of the report,

6. Requests the Executive Secretary to provide a copy of the report the Secretary-General, to the Government of the Republic of Iraq and to the Government of the Kingdom of Saudi Arabia.

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.113 (2000)
7 December 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the correction of awards for category "A" and "C" claims pursuant to article 41 of the Provisional Rules for Claims Procedure taken by the Governing Council of the United Nations Compensation Commission at its 101st meeting, held on 7 December 2000 at Geneva

The Governing Council,

Having received, in accordance with article 41 of the Provisional Rules for Claims Procedure (S/AC.26/1992/10) ("the Rules"), a report by the Executive Secretary concerning the correction of awards for claims in categories "A" and "C" 1/,

1. Decides, pursuant to article 41 of the Rules, to correct the amounts of the approved awards for Governments and international organizations. 2/ The aggregate corrected amounts per country and instalment, are as follows:

Table 1. Second instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Russian Federation	4,296,000.00	4,292,000.00

1/ The text of the report appears in document S/AC.26/2000/27.

2/ In conformity with the provisions on confidentiality in the Provisional Rules for Claims Procedure (article 30, paragraph 1 and article 40, paragraph 5), information concerning the amount to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

Table 2. Fourth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	146,280,000.00	146,257,000.00
Russian Federation	9,016,000.00	9,000,000.00

Table 3. Fifth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	147,567,000.00	147,554,000.00
Russian Federation	8,328,000.00	8,324,000.00

Table 4. Sixth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Russian Federation	3,396,000.00	3,392,000.00

Table 5. Special instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	812,000.00	764,000.00

Table 6. First instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Kuwait	11,403,243.00	no change a/

a/ The correction reflects the result of the processing of one claim where the pending MPA loss of a detained or missing person was resolved with a recommended amount of zero.

Table 7. Second instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
India	70,386,682.69	70,386,164.01
Lebanon	26,553,427.20	26,622,550.73

Table 8. Fifth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Sudan	15,976,107.94	15,982,997.21
United Kingdom	2,647,548.89	2,672,662.94

Table 9. Sixth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
India	104,976,428.50	104,972,916.39
Jordan	181,695,730.15	181,792,145.37
Spain	267,255.38	272,255.38
Sudan	21,732,162.24	21,752,650.13
UNDP Kuwait	10,397,658.83	10,435,819.73
UNHCR Canada	958,580.14	967,432.25
UNRWA Gaza	2,574,693.22	2,579,883.53

Table 10. Seventh instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Croatia	193,451.02	205,543.44
Germany	2,241,250.07	2,228,287.11
Jordan	281,976,641.68	282,081,956.56
Kuwait	787,946,915.96	788,169,338.64
Lebanon	15,671,083.55	15,679,633.73
Pakistan	74,567,250.14	74,572,959.48

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Sudan	14,831,979.54	14,834,688.88
UNHCR Canada	1,121,785.59	1,125,145.59

2. Decides also that, based on the above corrections, the revised recommended awards by instalment are as follows:

Table 11. Revised total recommended awards for category "A" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	189,599,500.00	no change
Second	641,244,500.00	641,240,500.00
Third	531,496,500.00	no change
Fourth	732,644,000.00	732,605,000.00
Fifth	782,653,000.00	782,636,000.00
Sixth	315,396,000.00	315,392,000.00
Special (Pakistan)	2,554,500.00	no change
Special (Bosnia and Herzegovina)	812,000.00	764,000.00

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38, 67 and 101 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996), S/AC.26/Dec.67 (1999) and S/AC.26/Dec.101 (2000)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57, 71, 79, 85, 95, 99 and 109 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998), S/AC.26/Dec.71 (1999), S/AC.26/Dec.79 (1999), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000), S/AC.26/Dec.99 (2000) and S/AC.26/Dec.109 (2000)).

Table 12. Revised total recommended awards for category "C" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	51,086,478.00	no change
Second	431,675,084.34	431,743,689.19
Third	324,883,154.77	no change
Fourth	654,598,151.73	no change

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
Fifth	735,443,727.66	735,475,730.98
Sixth	765,543,093.66	765,713,687.98
Seventh	1,932,424,233.91	1,932,771,429.79

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 25, 36, 37, 39, 41, 52 and 70 (S/AC.26/Dec.25 (1994),(S/AC.26/Dec.36 (1996), S/AC.26/Dec.37 (1996), S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998) and S/AC.26/Dec.70 (1999)) and subsequent corrections approved by the Governing Council in its decisions 39, 41, 52, 85, 95 and 99 (S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000)), and S/AC.26/Dec.99 (2000)).

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.26/Dec.114 (2000)
7 December 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the review of current UNCC procedures taken by the Governing Council of the United Nations Compensation Commission at its 101st meeting, held on 7 December 2000 at Geneva

The Governing Council

Decides to approve the conclusions reached by the Working Group on the review of current UNCC procedures, the text of which is annexed to the present decision.

GE.00-64587

Annex

REVIEW OF CURRENT UNCC PROCEDURES

Introduction

1. In September 2000, the Security Council reached an agreement that the current UNCC procedures be reviewed before the end of the year, taking into account the recommendations made by the Executive Secretary. Pursuant to t Governing Council's recommendation, made at the thirty-seventh session, the Working Group has held a number of informal meetings in October and Novembe 2000 for the purpose of carrying out that review, taking into account both the Executive Secretary's recommendations and the proposals put forward by delegations at the meeting held on 30 October 2000. The results of the review are contained in this report.

2. As outlined in the Secretary-General's report to the Security Council of 2 May 1991 (S/22559), the Governing Council has the responsibility for establishing guidelines on all policy matters, the Commissioners are in charge of the verification and valuation of the claims within the guideline established by the Council and subject to approval by the Governing Council and the secretariat provides services to, and carries out such tasks assign to it by, the Council and the Commissioners. The Working Group is satisfie with this division of tasks between the Governing Council, the panels of Commissioners and the secretariat and is of the opinion that the work of th Commission to date has proceeded in a fair and efficient manner. It is not the objective of the Working Group, in conducting the review of current UNC procedures, to make changes to this division of tasks.

3. The Working Group has considered the following proposals:

(a) the panels of Commissioners shall prepare separate reports on claims exceeding USD 1 billion;

(b) these reports are to be submitted to the Governing Council memb states (with translation) at least three months before the session where th are to be considered;

(c) full claim files for such claims shall be forwarded to Iraq for consideration;

(d) Iraq should be given 12 months to consider such claim files, instead of the six months at present;

(e) after having considered these claim files Iraq shall be allowed to submit written views and comments to the panels of Commissioners which a to be reviewed in the reports;

(f) provisions shall be made by the panels of Commissioners to allo Iraqi representatives to participate in oral proceedings in such claims;

(g) the Governing Council shall consider the panels' reports for such claims in the presence of representatives of Iraq who will have the right to express their views on the matter;

(h) the Iraqi request for access to funds to pay for legal and technical experts to assist in its responses to claims is to be satisfied;

(i) Council members should have more time (three months as a minimum) to review panel reports;

(j) upon the request of any member of the Council, any document used by the secretariat or the panels for the processing of the claims should be provided;

(k) a synthetic report should be submitted every six months to the Security Council on the work of the Commission, followed by an oral briefing for and consultations of the Security Council;

(l) every claim file should be made available by the panels to Iraq, so as to enable it to make its comments and observations available in writing;

(m) the time given to Iraq to respond should be increased from six months to 12 months;

(n) panels should transmit their draft recommendations to the claimants and Iraq to get their observations in a limited time period, and the final reports of the panels should be written in the light of the observations made by the parties;

(o) oral proceedings attended by the claimants and Iraqi experts should be scheduled by panels on a systematic basis;

(p) technical expertise for Iraq should be financed by a reasonable amount of the Commission's budget or its operating reserve or any other means deemed appropriate;

(q) up to three months to review reports raising significant legal or technical issue or where substantial compensation is recommended; and

(r) the provision of technical environmental expertise to Iraq for the review of the "F4" environmental claims.

4. After extensive discussions on all proposals, which included an exchange of views of a substantive nature with four Chairmen of the panels of Commissioners, the Working Group has agreed upon the following measures. The new arrangements will take effect as of the date of their adoption.

5. As these measures are being implemented immediately, the secretariat will inform the Governing Council as to any initial practical problems that may arise and where flexibility will be required, as will be the case, for instance, with the review period concerning the report on the first instalment of "F4" environmental monitoring and assessment claims.

I. TIME ALLOWED FOR THE REVIEW OF REPORTS

6. The current practice of the secretariat is to circulate the reports recommendations of the panels of Commissioners to Governing Council membe in all official UN languages, at least 30 days in advance of a session. However, depending on the nature of the report, it may be necessary to circulate certain reports and recommendations in advance of this 30-day period. The language of article 40(3) of the Provisional Rules for Clai Procedure allows for such flexibility in the sending of reports by statin that reports must be circulated "at least 30 days in advance of the sessi

7. In the opinion of the Working Group a three-month review period sho be given to the following reports:

(a) those reports containing claims with a recommended value of U 100 million or more, with the exception of claims falling outside the jurisdiction of the Commission;

(b) reports where new methodologies are elaborated; and

(c) reports that contain significant legal, factual and technical issues.

8. It is for the panels to assess in advance whether such legal, factu or technical issues exist. The secretariat will inform the Council in advance where the panels have made such conclusions as to the need to pro reports for the three-month review. In case a three-month period was not provided for in advance, the Council may decide to extend the review peri to three months whenever it is of the opinion that a particular report contains significant legal, factual or technical issues.

9. The three-month review period will start to run from the time that report is available in all official UN languages.

10. In order to assist the Council members in the review of the reports referred to in paragraph seven, the secretariat will make a presentation the claims contained in those reports at the commencement of the three-mo review period. The secretariat is encouraged to continue the current practice of providing explanations and information regarding recommended awards to the members of the Governing Council.

11. The Council members will use this additional time to facilitate a decision on the panel's recommendations at the Council session following three-month period.

12. The panels of Commissioners will prepare a separate report for each claim with a recommended value of USD 1 billion or more.

13. The Governing Council encourages the panels to provide it in their reports, to the extent possible, with non-confidential factual and techni *information that served as the basis of the panels'* recommendations, thus facilitating the Council's review.

II. TRANSMISSION OF CLAIM FILES TO IRAQ

14. The secretariat provided a briefing to the Working Group on the current practice with respect to the classification of claims as being "unusually large or complex" and the transmission of claim files to Iraq, and outlined the criteria in a note that was distributed to members on 31 October 2000. It is the Working Group's understanding that the criteria used by the panels to determine whether to transmit a claim file to Iraq normally include:

(a) the Government of the Republic of Iraq is a party to a contract forming part of the subject matter of the claim; or

(b) if the situs of the alleged loss is in Iraq; or

(c) if the Panel determines that the transmission of the claim file will otherwise facilitate the Panel's verification and valuation of the claim; or

(d) the amount claimed is more than USD 100 million.

15. It is the understanding of the Working Group that, when the criteria referred to in paragraph 14 are fulfilled, as a practical matter, full claim files (consisting of the claim form, statement of claim and all of the documents provided by the claimant as attached to the statement of claim) are sent to Iraq unless such claims fall outside the jurisdiction of the Commission.

16. The Working Group is of the opinion that the discretion to send claim files to Iraq should remain with the panels of Commissioners. However, the panels are encouraged to continue to apply the existing criteria relating to the transmission of files to Iraq.

17. The Working Group would welcome the discussion of this issue by the Chairmen of the panels of Commissioners at their next annual joint meeting, to help ensure consistency in the transmission of files.

18. At the June 2000 session, the Governing Council authorized the panels to make claim files available to Iraq prior to the formal commencement of the review of an instalment of claims. This decision may allow for some flexibility in the application of the six-month response rule. The Governing Council encourages the panels to make use of this flexibility to the maximum extent possible. However, the Working Group recommends that an additional six months should be given to Iraq to respond to claims with an asserted value of USD 1 billion or more that have not yet been taken up by the panels, or are under preparation, with the exception of claims falling outside the jurisdiction of the Commission.

19. Iraq's written responses concerning the claims under consideration by the panel will be reflected by the panels in their reports.

III. ORAL PROCEEDINGS

20. The secretariat explained the existing practice with respect to the convening of oral proceedings. Pursuant to article 36 of the Rules, panels of Commissioners may invite parties to present their views in oral proceedings.

21. The Working Group agrees that discretion in convening oral proceedings remains with the panels of Commissioners. The panels will schedule oral proceedings where the claims have an asserted value of USD 1 billion or more, with the exception of claims falling outside the jurisdiction of the Commission or that are otherwise not compensable. The Governing Council encourages the panels to also schedule oral proceedings where the panels have determined that it would be useful to hear the views of the claimants and Iraq, and where:

(a) the claims contain significant technical, legal and factual issues; or

(b) the claims are substantive "F4" environmental claims.

IV. TECHNICAL ASSISTANCE

22. Taking into account the Executive Secretary's recommendations, the Working Group discussed the issue of making funds available to Iraq for purposes of hiring experts to assist in preparing Iraq's responses to claims in general and in particular the environmental claims. It has decided to consider further, with the assistance of the secretariat, various proposals relating to the provision of assistance to Iraq, noting that some Council members indicated that such proposals should not relate to claims other than the "F4" claims. The Working Group will continue its efforts to formulate acceptable specific recommendations, at the latest at the thirty-ninth session of the Governing Council, to be held in March 2001. In the meantime the Working Group recommends that the Governing Council should urge the "F4" panel to use its experts to ensure the full development of the facts and relevant technical issues, as well as to obtain the full range of views including those of the claimants and Iraq.